

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1891

Chapter 59, Laws of 2005

59th Legislature
2005 Regular Session

RECLAIMED WATER PERMITS--PRIVATE UTILITIES

EFFECTIVE DATE: 7/24/05

Passed by the House March 10, 2005
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 5, 2005
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved April 14, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1891** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

April 14, 2005 - 11:36 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1891

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Economic Development, Agriculture & Trade
(originally sponsored by Representatives Hinkle, B. Sullivan, Buck
and Haler)

READ FIRST TIME 03/04/05.

1 AN ACT Relating to issuing reclaimed water permits to private
2 utilities; and amending RCW 90.46.030 and 90.46.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 90.46.030 and 2002 c 329 s 4 are each amended to read
5 as follows:

6 (1) The department of health shall, in coordination with the
7 department of ecology, adopt a single set of standards, procedures, and
8 guidelines on or before August 1, 1993, for the industrial and
9 commercial use of reclaimed water.

10 (2) The department of health may issue a reclaimed water permit for
11 industrial and commercial uses of reclaimed water to the generator of
12 reclaimed water who may then distribute the water, subject to
13 provisions in the permit governing the location, rate, water quality,
14 and purposes of use.

15 (3) The department of health in consultation with the advisory
16 committee established in RCW 90.46.050, shall develop recommendations
17 for a fee structure for permits issued under subsection (2) of this
18 section. Fees shall be established in amounts to fully recover, and
19 not exceed, expenses incurred by the department of health in processing

1 permit applications and modifications, monitoring and evaluating
2 compliance with permits, and conducting inspections and supporting the
3 reasonable overhead expenses that are directly related to these
4 activities. Permit fees may not be used for research or enforcement
5 activities. The department of health shall not issue permits under
6 this section until a fee structure has been established.

7 (4) A permit under this section for use of reclaimed water may be
8 issued only to:

9 (a) A municipal, quasi-municipal, or other governmental entity ((or
10 to));

11 (b) A private utility as defined in RCW 36.94.010; or

12 (c) The holder of a waste discharge permit issued under chapter
13 90.48 RCW.

14 (5) The authority and duties created in this section are in
15 addition to any authority and duties already provided in law with
16 regard to sewage and wastewater collection, treatment, and disposal for
17 the protection of health and safety of the state's waters. Nothing in
18 this section limits the powers of the state or any political
19 subdivision to exercise such authority.

20 (6) The department of health may implement the requirements of this
21 section through the department of ecology by execution of a formal
22 agreement between the departments. Upon execution of such an
23 agreement, the department of ecology may issue reclaimed water permits
24 for industrial and commercial uses of reclaimed water by issuance of
25 permits under chapter 90.48 RCW, and may establish and collect fees as
26 required for permits issued under chapter 90.48 RCW.

27 (7) Before deciding whether to issue a permit under this section to
28 a private utility, the department of health may require information
29 that is reasonable and necessary to determine whether the private
30 utility has the financial and other resources to assure the
31 reliability, continuity, and supervision of the reclaimed water
32 facility.

33 **Sec. 2.** RCW 90.46.040 and 1992 c 204 s 5 are each amended to read
34 as follows:

35 (1) The department of ecology shall, in coordination with the
36 department of health, adopt a single set of standards, procedures, and

1 guidelines, on or before August 1, 1993, for land applications of
2 reclaimed water.

3 (2) A permit is required for any land application of reclaimed
4 water. The department of ecology may issue a reclaimed water permit
5 under chapter 90.48 RCW to the generator of reclaimed water who may
6 then distribute the water, subject to provisions in the permit
7 governing the location, rate, water quality, and purpose of use. The
8 department of ecology shall not issue more than one permit for any
9 individual land application of reclaimed water to a single generator.

10 (3) In cases where the department of ecology determines, in land
11 applications of reclaimed water, that a significant risk to the public
12 health exists, the department shall refer the application to the
13 department of health for review and consultation and the department of
14 health may require fees appropriate for review and consultation from
15 the applicant pursuant to RCW 43.70.250.

16 (4) A permit under this section for use of reclaimed water may be
17 issued only to:

18 (a) A municipal, quasi-municipal, or other governmental entity ((or
19 to));

20 (b) A private utility as defined under RCW 36.94.010; or

21 (c) The holder of a waste discharge permit issued under chapter
22 90.48 RCW.

23 (5) The authority and duties created in this section are in
24 addition to any authority and duties already provided in law. Nothing
25 in this section limits the powers of the state or any political
26 subdivision to exercise such authority.

27 (6) Before deciding whether to issue a permit under this section to
28 a private utility, the department of ecology may require information
29 that is reasonable and necessary to determine whether the private
30 utility has the financial and other resources to assure the
31 reliability, continuity, and supervision of the reclaimed water
32 facility.

Passed by the House March 10, 2005.
Passed by the Senate April 5, 2005.
Approved by the Governor April 14, 2005.
Filed in Office of Secretary of State April 14, 2005.